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EXAMINER

PYZOCHA, MICHAEL J

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2137

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/730,682
Filing Date: December 06, 2000
Appellant(s): TINDAL ET AL.

Sean R. O'Dowd
Reg. No. 53,403
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/15/2006
appealing from the Office action mailed 04/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

09/942,833 and 09/942,834 each assigned to the real party of interest, Intelliden Inc.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,764,955	DOOLAN	6-1998
5,832,503	MALIK et al.	11-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 21, 22, 24, 26 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Doolan (US 5764955).

As per claims 21 and 33, Doolan discloses gathering information from at least one source that uniquely and generically indicates desired capabilities of a network device (see column 12 lines 33-40); obtaining actual-configuration data for the network device, wherein the actual-configuration data corresponds to existing capabilities of the network (see column 12 lines 40-50); and altering the actual-configuration data in accordance with the gathered information so as to generate a configuration record for the network device; wherein the configuration record represents a physical configuration for the network device that enables the network device to provide the

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desired capabilities and the configuration record generically represents the physical configuration for the network device, and wherein the configuration record is usable to effectuate the physical configuration for the network device that enables the network device to provide the desired capabilities by enabling code that is specific to the network device to be generated and sent to the network device in response to the alteration of the actual configuration data (see column 11 line 65 through column 12 line 32 and column 14 lines 1-24).

As per claim 22, Doolan discloses storing configuration data in a central repository (see column 12 lines 33-35).

As per claims 24 and 26, Doolan discloses storing substantially all commands capable of configuring the network device (see column 11 line 65 through column 12 line 12 and lines 33-50).

2. Claims 27-28 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al (US 5832503).

As per claim 27, Malik et al discloses gathering first configuration data from at least one source that uniquely and generically indicates desired capabilities of the network device (see column 2 lines 14-21); retrieving second configuration data for the network device, the second configuration data including information about how the network device is currently configured

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to operate (see column 3 lines 16-20); generating the configuration record by combining the first configuration data and the second configuration data into a configuration record for the network device, wherein the configuration record represents a physical configuration for the network device that enables the network device to provide the desired capabilities is storing the configuration record in a repository of configuration records (see column 2 lines 21-42 and figure 3).

As per claims 28, Malik et al discloses the first configuration data includes commands not corresponding to the current configuration of the network device (see figure 3).

As per claim 33, Malik et al discloses the configuration record generically represents the physical configuration for the network device, and wherein the configuration record is usable to effectuate the physical configuration for the network device that enables the network device to provide the desired capabilities by enabling code that is specific to the network device to be generated and sent to the network device (see column 2 lines 14-42 and column 3 line 54 through column 4 line 10).

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Claim Rejections - 35 USC § 103

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan as applied to claim 21 above, in view of Malik et al.

Doolan fails to disclose retrieving the actual configuration data directly from the network device.

However Malik et al teaches such retrieval (see column 3 lines 15-20).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to obtain the actual configuration data of Doolan directly from the device.

Motivation to do so would have been to an administrator to manage the device (see column 3 lines 15-22).

4. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan as applied to claim 21 above, and further in view of Misheski et al (US 5878432).

As per claim 25, Doolan fails to disclose storing previous versions and pointers to the previous versions.

However, Misheski et al teaches such versions and pointers (see column 13 lines 31-45).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Misheski et al's stored versions to store the configuration data of Doolan.

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Motivation to do so would have been to keep track of the version history (see column 13 lines 31-45).

5. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al as applied to claim 28 above, and further in view of "Common Information Model - A Developer's Perspective" (hereinafter IEEE).

As per claim 29, Malik et al fails to disclose the data include CIM data.

However, IEEE teaches CIM (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the Malik et al system's data to include CIM data.

Motivation to do so would have been that CIM is an industry standard.

(10) Response to Argument

A. Independent claim 21

1. Anticipation by Doolan

Appellant argues that the Examiner has failed to make a prima facie case of anticipation because the claim is not explicitly described Doolan. With respect to this argument each of the claimed limitations is met by Doolan and will be discussed in detail with the response below.

2. Claim limitations met by Doolan

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a. Gathering information "that uniquely and generically indicates desired capabilities of the network device"

With respect to Appellant's argument that Doolan fails to disclose gathering information that uniquely and generically indicates desired capabilities of the network device, Appellant is directed to column 12 lines 33-50 where Doolan teaches acquiring configuration information. Specifically the target identifier (TID), among other data, is information that uniquely identifies the device (see column 12 lines 41-43) and the manufacturer information is information that generically identifies the device (see column 12 lines 40-41). Each device has desired capabilities, and in this case one of these capabilities is for the device to become active and establish a session with a gateway (see column 12 lines 46-50). Therefore, Doolan discloses gathering information that uniquely and generically indicates desired capabilities of the network device.

b. Obtaining actual-configuration data that corresponds to existing capabilities of the network device

With respect to Appellant's argument that Doolan fails to disclose actual-configuration data that corresponds to existing capabilities of the network device, Appellant is directed to column 12 lines 33-50 where Doolan teaches acquiring

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configuration information. Specifically, the failure scenarios disclosed in column 12 lines 49-50 are actual-configuration data. Also, the configuration acquiring steps are discussed in more detail in column 12, line 58 through column 13, line 37. Appellant is specifically directed to the table in column 13, which is all of the configuration information acquired and stored in the CFG DATA (a configuration database). More specifically the ip address disclosed in line 38 is configuration data actually assigned to the device upon entry to the network. Furthermore, the scenario data found in this table is information describing how the current node is configured for certain failures within the node or network, these scenarios along with the ip address information are data that corresponds to existing capabilities of the network device. Therefore, Doolan discloses actual-configuration data that corresponds to existing capabilities of the network device.

c. Altering the actual-configuration data in accordance with the gathered information so as to generate a configuration record for the network device

With respect to Appellant's argument that Doolan fails to disclose altering the actual-configuration data in accordance with the gathered information so as to generate a configuration record for the network device, as disclosed in column 14 lines

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1-5, the data obtained and stored in CFG DATA during the initialization processed discussed above is used each time the system starts up, therefore this data is the configuration record for the network device. The actual-configuration data is modified to fit the data structure put forth in the table of column 13 and is therefore altered to create the configuration record. Furthermore, as disclosed in column 14 lines 20-24 when the configuration has changed the old data is overridden and therefore modified. Therefore, Doolan discloses altering the actual-configuration data in accordance with the gathered information so as to generate a configuration record for the network device.

d. A configuration record that represents a physical configuration for the network device that enables the network device to provide the desired capabilities

With respect to Appellant's argument that Doolan fails to disclose a configuration record that represents a physical configuration for the network device that enables the network device to provide the desired capabilities, as discussed above, once the data is placed into the data structure provided in the table of column 13 it is stored in CFG DATA and this stored data structure is the configuration record. The information within the data structure (i.e. the TID, ip address, and scenario

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information etc.) is data that corresponds to the physical configuration of the device. Since the information within the data structure is information used to activate a session with a gateway (the desired capability), Doolan discloses a configuration record that represents a physical configuration for the network device that enables the network device to provide the desired capabilities.

B. Dependent claim 22

1. and 2. Anticipation

Appellant argues Doolan fails to disclose storing the configuration record in a central repository of configuration records. However, as discussed above, all the configuration information gathered is altered to fit a data structure and stored in CFG DATA, which is a configuration database. Therefore Doolan discloses storing the configuration record in a central repository of configuration records.

C. Dependent claim 24

1. and 2. Anticipation

Appellant argues Doolan fails to disclose storing in a storage location substantially all commands capable of configuring the network device; and including a pointer in the configuration record that points to the storage location. However, the dictionaries of Doolan (see column 12 lines 1-12)

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contain each vendors command set (i.e. storing substantially all commands capable of configuring the network device) and these dictionaries are selected by use of manufacturer and model information (see column 12 lines 40-41) and this information is stored in the configuration information (see the table of column 13). Therefore, the manufacturer and model information stored in the configuration points to the dictionary containing the commands of the network device.

D. Dependent claim 26

1. and 2. Anticipation

Appellant argues Doolan fails to disclose storing in the configuration record substantially all commands capable of configuring the network device, however since the configuration data contains the information directly tied to obtaining the commands these commands are considered to be stored within the configuration record.

E. Dependent claim 32

Appellant argues Doolan fails to disclose the configuration data generally represents the physical configuration for the network device. However, as disclosed in column 14 lines 1-3 the data in CFG DATA (i.e. the configuration record) is used for system start up and thereafter. Therefore, Doolan discloses the

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configuration data generally represents the physical configuration for the network device.

F. Independent claim 27

1. Anticipation by Malik

Appellant argues that the Examiner has failed to make a prima facie case of anticipation because the claim is not explicitly described Malik. With respect to this argument each of the claimed limitations is met by Malik and will be discussed in detail with the response below.

2. Claim limitations met by Malik

a. Gathering first configuration data from at least one source that uniquely and generically indicates desired capabilities

Appellant argues Malik fails to disclose gathering first configuration data from at least one source that uniquely and generically indicates desired capabilities, in column 2 lines 14-21 and column 3 lines 16-20 Malik discloses the use of templates containing attributes to configure a device. The templates are information that generically indicates desired capabilities because they contain data generic to the model type (i.e. all of the available attributes (see column 3 lines 26-31) and the user then selects which attributes are needed to uniquely identify how to perform the desired capability (see

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column 3 lines 32-35) The templates with attributes indicate desired capabilities because they allow the device to be configured to perform a certain way. For example column 10 discloses the method of using the templates and attributes to disable ports on a device, specifically attribute values in the configuration record state that ports 1 and 2 will be off and ports 3 and 4 will be on (see column 10 lines 38-40). In this example, the template and attributes of Malik allow for the desired capability of disabling and enabling ports. Therefore, Malik discloses gathering first configuration data from at least one source that uniquely and generically indicates desired capabilities.

b. Retrieving second configuration data for the network device that includes information about how the network device is currently configured to operate

Appellant argues Malik fails to disclose retrieving second configuration data for the network device that includes information about how the network device is currently configured to operate, as disclosed in column 2 lines 21-24 and column 3 lines 16-20, Malik discloses obtaining values of certain attributes by interrogating the model and captures values for the attributes defined in the template. Furthermore, the system maintains a database of information about every managed device

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in the network (see column 3 lines 13-16). Also, in column 3 lines 54-67 Malik discloses the capturing, configuring and loading of the configuration data using the abovementioned templates to obtain the attribute vales.

c. Generating the configuration record by combining the first configuration data and the second configuration data into a configuration record for the device

Appellant argues Malik fails to disclose generating the configuration record by combining the first configuration data and the second configuration data into a configuration record for the device, however, as seen in column 2 lines 19-24, the template (i.e. first configuration data) is combined with the attribute values (i.e. second configuration data) to create a configuration record for the device.

G. Dependent claim 28

1. and 2. Anticipation

Appellant argues Malik fails to disclose the first configuration data includes commands not corresponding to the current configuration of the network device, as discussed above, the template contains all attributes available for the and the user selects whichever one(s) are needed to perform the desired capability. Referring again to the example in column 10, the template only contains the port status attributes and none of

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the other attributes. Furthermore, as put forth in the example the attributes tell (i.e. command) certain ports to be on or off which were not included in the actual configuration (i.e. why the example is changing the port statuses). Therefore, Malik discloses the first configuration data includes commands not corresponding to the current configuration of the network device.

H. Dependent claim 33

Appellant argues Malik does not disclose the configuration record may be converted to a generic representation of the physical configuration for the network device, however, the attribute values, which define the physical configuration are generic as they can be used for any model not the specific one defined. Therefore, Malik discloses the configuration record generically represents the physical configuration for the network device.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Information Disclosure Statement

The information disclosure statement filed 01/24/2007 has not been considered because it was filed after the mailing date of the Final Office Action (04/14/2006), as set forth in 37 CFR 1.97(c) and did not include one of the required statements put forth in 37 CFR 1.97(e).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

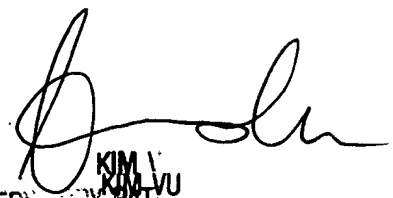
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